

### **Remarks/Arguments**

Claims 1 – 3 and 10 – 28 are pending in the application. Claim 1 is independent.

In the present response, claim 1 is amended. The support for the claim amendment may be found in Applicants' specification, for example, page 4, lines 10 – 11, and page 3, lines 4 – 6. No new matter is added.

#### **Rejection of claims 1 – 3 and 10 – 28 under 35 USC 103(a) over Parry et al. (US Patent 6,535,920), hereinafter Parry, in view of Official Notice**

Applicants submit that for at least the following reasons, claims 1 – 3 and 10 – 28 are patentable over Parry and the alleged Official Notice, either singly or in combination.

For example, claim 1, in part, requires

*"allocating, on said recording medium, a predetermined quantity of resources to said file intended for delayed reading of data, based on resources already used." (Emphases added)*

Applicants submit that the circular buffer disclosed by Parry is not the claimed file for delayed reading of data, its resource is allocated based on resources already used. Instead, the size of the circular buffer is reserved and its size is not based on resources already used, as Parry discloses that the buffer always has a fixed maximum time quantum of data for reading (column 8, lines 1 – 3).

According to the claimed invention, there is a predetermined quantity of resources reserved on the recording medium, based on resources already used. This means that at any time, a quantity of resources is available for said file. This does not mean that said resources are always the same, they can be any resource of the recording medium, depending on the use of the recording medium by the other applications. The claimed invention addresses the problem of keeping available a certain quantity of resources, so that the file has a fixed size. Therefore, the file will not be too big and use too much space of the recording medium and the file will also have enough space to exist on the recording medium.

The solution provided by the claimed invention provides a lot of flexibility, as the quantity of the resources is fixed but the resources themselves can vary, which is not the case in Parry as the size of a circular buffer is reserved and does not vary.

Furthermore, Parry does not address the viewpoint of files. Parry only discloses the use of a circular buffer. Nowhere in Parry says that a file is used. In Parry, there is a data management using a circular buffer, but not a file. When a file is used for storing data, the risk is that this file size will not be controlled at all. When a file is recorded on a medium, the size of the file can increase and if there is enough space on the recording medium, it will be recorded, without any problem. The Applicant proposes a method to control the size of this file so that the file cannot jeopardize the recording medium capacity.

Moreover, when several applications share the same recording medium, it is needed to keep enough space on the recording medium. A solution like the claimed invention can be used so that despite the use of the recording medium by other applications, enough space is reserved for the delayed reading file.

Therefore, Parry does not address the same problem as the claimed invention which is the sharing of resources among several applications and the limitation of resources for several applications and Parry only discloses the use of a circular buffer.

In addition, claim 1, in part, also requires

*"further to a writing of data in said file, deallocating a predetermined quantity of resources depending on the size of the file and on a delay between said read and write pointer, said deallocated predetermined quantity of resources being the cells of the files written the first, said deallocation keeping constant the size of said file."*

In the Office Action, page 4, the Office conceded that Parry fails to explicitly disclose that the quantity of storage deallocated in the file is based on the size of the file and on a delay between the read and write pointer. However, the Office took the Official Notice that deallocating a portion of the buffer based on the size of the file and on a delay between the read and write pointer in order to optimize the

performance of the buffer by maximizing the amount of storage being stored in the buffer without completely filling up the buffer. Applicants respectfully traverse the validity of such alleged Official Notice, because in order not to completely filling up the buffer, there are other solutions that do not involve deallocating a portion of the buffer based on the size of the file and on a delay between the read and write pointer, such as deallocating one data quantum at a time regardless of file size and delay, which would maintain a maximum amount of storage being stored. It does not flow naturally that the deallocation has to be based on the size of the file and on a delay between the read and write pointer. Applicants further submit that the alleged Official Notice does not teach or suggest that the deallocated predetermined quantity of resources are the cells of the files written the first, or that the deallocation is keeping constant the size of the file.

Applicants submit that without the above explicit teaching, as disclosed by Applicants' present application, it is not obvious for a person ordinarily skilled in the art to modify Perry to arrive at the above claimed invention.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Perry. Claims 2, 3 and 10 – 28 depend from and inherit all the features of claim 1. Therefore, claims 2, 3 and 10 – 28 are patentable for at least the reason that they depend from claim 1, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1 – 3 and 10 – 28 under 35 U.S.C. 103(a) is respectfully requested.

## Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,  
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